

Outten & Golden LLP

Adam T. Klein (AK 3293)
Jack A. Raisner (JR 6171)
Linda A. Neilan (LN 4095)
Tara Lai Quinlan (TQ 0717)
3 Park Avenue, 29th Floor
New York, New York 10016
Telephone: (212) 245-1000

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

PHILIP FEI, on behalf of himself
and classes of those similarly situated,

Plaintiff,

-against-

WESTLB AG,

Defendant.

07 Civ. 8785 (HB)

PLEASE TAKE NOTICE THAT Plaintiff will move this Court, before the Honorable Harold Baer, Jr., United States District Court, Southern District of New York, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Room 2230, New York, New York 10007, on a date and time to be determined by the Court, to dismiss Defendant's counterclaims pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. In support of this Motion, Plaintiff submits a Memorandum of Law in Support of Plaintiff's Motion to Dismiss Counterclaims.

Dated: January 11, 2008
New York, NY

OUTTEN & GOLDEN LLP

Attorneys for Plaintiff and the Putative Class

By: /s/ Linda A. Neilan
Linda A. Neilan

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